

# **Arizona State Board of Homeopathic and Integrated Medicine Examiners**

## **Minutes of the Regular Meeting**

**September 13, 2011**

### **I. Call to Order, Roll Call**

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:00 a.m.

#### **Roll Call**

Present:

Todd Rowe, MD, MD(H)  
Martha Grout, MD, MD(H)  
Don Farris  
Mary Ackerley, MD, MD(H)(arrived 9:05 a.m.)  
Dr. Les Adler, MD, MD(H)  
Alan Kennedy

Lori Scott was present at the outset of the meeting and was assisting Christine Springer, the Executive Director who was not present for the first part of the meeting. Mona Baskin, Assistant Attorney General and members of the public were also present.

### **II. Status Update – Board appointment**

Dr. Rowe informed board members of his reappointment to the Board noting that he had received confirmation from the Governor's Office last month. Dr. Rowe commented that two board positions would expire next year and that if anyone was interested in applying they should do so by submitting an application to the Governor's Office.

### **III. Review, Consideration, and Action on Minutes**

#### *Regular Meeting Minutes – July 12, 2011*

Dr. Ackerley moved to approve the minutes of July 12, 2011. Mr. Farris seconded the motion that passed unanimously.

#### *Executive Session Minutes – July 12, 2011*

Dr. Rowe noted his recusal from consideration of the executive session minutes. Mr. Kennedy abstained noting that he was not present in the executive session.

Dr. Grout moved to approve the minutes. Mr. Farris seconded the motion that passed with a majority vote.

#### *Teleconference Meeting Minutes – July 22, 2011*

Dr. Rowe recused himself from consideration of these minutes. Mr. Farris moved to approve the minutes as prepared. Dr. Grout seconded the motion that passed with a majority vote.

#### **IV. Annual Meeting**

##### **1. Election of Officers**

Mr. Farris moved to reappoint Dr. Rowe as President and Dr. Grout as Vice-President. Dr. Adler seconded Mr. Farris' motions. There was brief discussion regarding Dr. Rowe's willingness to serve in what would be his last term as the President. Dr. Grout indicated her willingness to serve another term as Vice-President. The question was called and the motion carried with both Dr. Grout and Dr. Rowe appointed to another term as officers.

Dr. Rowe nominated Mr. Farris for re-appointment as Secretary Treasurer. Dr. Adler seconded the motion. Following a question from Dr. Rowe, Mr. Farris indicated his willingness to serve as Secretary Treasurer. The motion carried unanimously.

##### **2. 2011-2012 Meeting Schedule**

Dr. Rowe noted the new meeting schedule and asked all members to review their calendars. He commented that if there were conflicts they should notify Mrs. Springer for future discussion.

##### **3. Fees**

The Board discussed this agenda item when Mrs. Springer arrived at the meeting. Following her presentation about the need to consider higher fee caps or request fees for those items that the Board does not currently charge for, the Board discussed possible solutions to the problem of insufficient revenues. Mrs. Springer informed the Board that at the end of FY2012 the board is projected to have a cash balance of \$15000 with projected revenues of \$96000 that depend upon maintaining the current license, registration, and dispensing base. The difficulty will occur at the end of FY2013 when the cash balance is projected at \$5000, which is insufficient to continue board operations.

Dr. Rowe proposed that a subcommittee be formed that would focus on fees and the need to raise adequate revenue to support Board operations. Mr. Farris and Mr. Kennedy volunteered their time to serve on the committee. Dr. Rowe also noted that it would be helpful if an association member was on the committee. After additional discussion of the need to increase revenues, Board members agreed that the physician's annual renewal fee should be increased to its statutory cap of \$1000. They directed Mrs. Springer to open a rulemaking docket to begin the process to increase the annual renewal fee by \$25.00 for physicians.

Board members also discussed new fees for services provided but not currently charged. These services include reviewing continuing education applications from for-profit sponsors and charging a license issue fee that is equal to one full year of licensure.

With regard to the fee schedule that is currently in effect, Dr. Rowe made a motion to approve the schedule. Dr. Adler seconded the motion that passed unanimously.

#### **V. Review, Consideration and Action on applications**

##### **A. Physicians**

There were no physician applications to consider

##### **B. Medical Assistants Donna Lozito**

Dr. Rowe reviewed the application of Donna Lozito noting that she is CCH certified and has well over 750 hours of homeopathic training. He also noted that Ms. Lozito was present at the meeting and invited board members to ask her questions. Dr. Grout inquired if she would be remaining in Prescott or if she were interested in moving to the Phoenix area. Ms. Lozito stated that for the time being she would remain in her current location although she hoped to extend her client base into Phoenix eventually. Dr. Grout moved to approve the application. Mr. Kennedy seconded the motion that passed unanimously.

***Nancy Soliven***

Dr. Rowe recused himself from this matter, noting that Ms. Soliven was a student at the American Medical College of Homeopathy (AMCH).

Dr. Grout stated that according to the educational chart information prepared by Mrs. Springer, she believed the application was complete. Dr. Adler commented that he did not think the applicant had a sufficient number of clinical hours to meet the criteria. Dr. Grout pointed out that the applicant was trained in chiropractic medicine and message therapy and that the hours of training completed at the AMCH would qualify her for medical assistant status.

Following a suggestion by Mr. Farris, the Board tabled the matter until Mrs. Springer arrived.

Upon her return, the Board questioned Mrs. Springer regarding the Soliven application and the number of didactic and clinical hours submitted. She directed their attention to A.A.C. R4-38-303(B) and A.A.C. R4-38-103( C). Dr. Adler made a motion to approve the application. Mr. Farris seconded the motion that passed with a majority vote.

**VI. Review, Consideration and Action on Complaints and Investigations**

***A. Review, Discuss – Tracking Log Notification of New Complaints, Inquiries Filed***

***Case No. 11-07 Stanley Olsztyn, MD(H)***

Dr. Rowe stated that a new complaint had been filed by A.B. against Dr. Olsztyn. The Board discussed whether the case should be consolidated with the other complaint, No. 11-04. Dr. Adler noted his disagreement with combining the complaint filed by A.B. with the previously opened complaint. He explained that until the new matter was investigated it was not certain that the two were related. Mr. Farris and Dr. Rowe disagreed pointing out that the new complaint filed by A.B. was part of the same investigation related to the provision of IV Colchine on the same day as the patient identified in complaint No. 11-04.

Dr. Rowe made a motion to open an investigation related to Case No. 11-07. Dr. Grout made a second to his motion. Motion passed unanimously.

Board members then moved to a discussion of **Agenda Item VI. B. (Ongoing Cases)**, Case No. 11-04, E.D. complaint vs. Stanley Olsztyn, MD(H). Mr. Farris made a motion to *consolidate* the investigation of this case with Case No. 11-07. Dr. Grout seconded the motion that passed unanimously.

Board members considered the Voluntary Consent Agreement signed by Dr. Olsztyn. AAG Baskin explained that it is not a disciplinary agreement, no admissions are made, but

Dr. Olsztyn unilaterally and voluntarily agrees to not provide IV Colchicine therapy during the pending investigations. Dr. Rowe commented that the agreement would protect the public until the investigation determines what occurred to cause the reactions in the patients

Dr. Grout made a motion accepting the Voluntary Consent Agreement signed by Dr. Olsztyn. Dr. Rowe seconded the motion. Dr. Ackerley clarified that Dr. Olsztyn had already verbally agreed to stop providing IV Colchicine therapy and that the consent agreement was a formal recognition of that action.

The motion passed unanimously.

Roll Call: 6 – 0 to accept the Voluntary Consent Agreement

Grout, Rowe, Farris, Adler, Kennedy, Ackerley

## ***B. Ongoing Cases***

Case No. 11-03 Frank Lobacz, MD(H)

Dr. Rowe stated that Dr. Lobacz may be sentenced on September 16, 2011. He indicated the board would like to move forward on preparation of a Consent to Surrender License and questioned AAG Baskin about the timing of such action.

AAG Baskin commented that upon the doctor's final sentencing on the federal charges, the executive director can obtain the minute entry from the federal court and move forward with regard to preparation of a consent agreement.

Case No. 11-04 Dr. Levin for E.D. vs. Stanley Olsztyn MD(H) Status

At the request of the board, the executive director gave a brief overview of the status of the investigation. She indicated that the matter(s) involving E.D., A.B., and J.F. should be ready for review at the next regular meeting in November and that the medical consultant would be present at the discussion.

## **V. Review, Consideration and Action on Rules, Legislation, Substantive Policy Statements**

### **A. Rules**

1. Chapter 38, Article 1, Section 103 – Section 115

The executive director updated board members on the status of this rulemaking and noted that the Governor's Regulatory Review Council had approved the rules at their meeting this same date. The effective date is sixty days after the date of filing at the Office of the Secretary of State.

### **B.. Legislation**

1. SB1175 Doctor of Homeopathy license – status update

Dr. Rowe recused himself from this discussion. The executive director very briefly indicated that the board would seek a legislative sponsor to address a loophole in the enabling legislation. The loophole is related to licensure qualifications for the prospective homeopathic doctors.

### **VIII. Review, Consideration and Action on Professional Business**

1. Dr. Adler indicated he had reviewed the informed consents submitted by Dr. Radoff that had incorporated the Board's suggested changes. He noted that although the language was a bit cumbersome a member of the public could offer their informed consent after reviewing the document. Dr. Rowe made a motion to approving the language of the consent. Dr. Grout seconded the motion that passed unanimously.
2. Dr. Adler made a motion to accept the revised informed consent for HAACG submitted by Dr. Bruce Shelton. Dr. Rowe seconded the motion. In discussion, Dr. Grout inquired about why the Board was reviewing this particular consent. Dr. Rowe stated that in previous Board discussions, board members agreed that if a therapy or substance is new and considered experimental then the informed consent should be reviewed under the criteria listed in the board rules concerning experimental therapies. HAACG is considered an experimental therapy since it is a new therapy. The question was called and the motion passed unanimously.
3. Dr. Adler commented he had reviewed the informed consent submitted by Dr. Marc Laursen moved to approve the informed consent and protocol for chelation therapy. Dr. Grout seconded the motion that passed unanimously.

### **IX. Review, Consideration and Action on Other Business**

#### ***Executive Director Report***

1. Mrs. Springer presented a brief overview of finances as of August 31, 2011. Current cash balance is \$23,796 and 24% of the appropriation amount of \$105,300 has been spent. The current balance in the appropriated fund is \$80,467. She indicated that the Board had expenditures of \$21,282 as of August 31, 2011. Revenues received are \$15,412.
2. A brief overview of the FY2013 Strategic Plan and Budget was provided by the executive director. There were no questions from board members.

### **X. Call to the Public**

Following an invitation from Dr. Rowe, there were no members of the public that wished to make a statement to the Board.

### **XI. Future Agenda Items**

- Review Board's role in performing mandated continuing education
- Policy discussion, mission of the board, appropriateness of educating the public and the allopathic community about homeopathic licensure and regulation.
- Chiropractic Association legislative proposal to add homeopathy to the scope of practice for chiropractic doctors
- Telemedicine discussion

### **XII. Future Meeting Dates**

November 8, 2011

*The Board took a ten minute break at 10:00 a.m. and reconvened to address agenda items that were held to allow input from the executive director.*

### **XIII. Adjournment**

September 13, 2011 Regular Meeting

The meeting adjourned at 10:41 a.m. following a motion by Dr. Grout. The motion was seconded by Dr. Adler and passed unanimously. The next Regular Meeting of the Board will convene at 1400 W. Washington, in Conference Room B-1, Phoenix, Arizona, at 9:00 a.m. on November 8, 2011.

Respectfully Submitted,

Christine Springer  
Executive Director

**Approved by the Board in Regular Meeting on November 8, 2011**